



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7928 of 2019

SIVA

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.223 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.SENTHIL KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 427 and 506(ii) of IPC in Crime No.223 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital. However, the petitioner undertakes to deposit a sum of Rs.5,000/- being the value of the damage said to have been caused by him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor, appearing for the respondent has submitted that the petitioner attacked the defacto complainant by way of hitting a Load Auto. Hence, he opposed this petition. However, he fairly conceded that the injured person has sustained only simple injury and he has already been discharged from the hospital and the petitioner has no previous case.

3.Taking into consideration of the fact that the petitioner is ready to deposit a sum of Rs.5,000/- being the value of the damage



said to have been caused by him, also the fact that the injured person sustained only simple injury and he has already been discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] The petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Cr.No. 223 of 2019 on the file of the Eraniel Police Station, Kanyakumari District;

[b] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

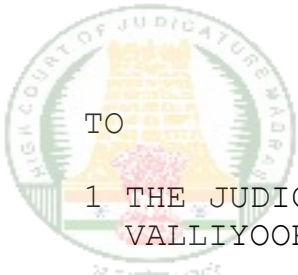
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-10543[I] dated
27/06/2019)

ORDER

IN

CRL OP (MD) No.7928 of 2019

Date :26/06/2019

JM/VR/SAR 4/03.07.2019/3P/6C